

AMENDED IN SENATE APRIL 5, 2010

SENATE BILL

No. 1356

**Introduced by Senator Denham
(Coauthor: Senator Cogdill)**

(Coauthors: Assembly Members Bill Berryhill, Tom Berryhill, and
Galgiani)

February 19, 2010

An act to amend ~~Section 15202~~ *Sections 15202 and 15203* of the
Government Code, relating to counties.

LEGISLATIVE COUNSEL'S DIGEST

SB 1356, as amended, Denham. Counties: homicide trials:
reimbursement.

Existing law authorizes a county that is responsible for the cost of a trial or trials or any hearing of a person for the offense of homicide to apply to the Controller for reimbursement of a portion of the costs incurred by the county in excess of the amount of money derived by the county from a tax of 0.0125 of 1% of the full value of property assessed for purposes of taxation within the county, *if the homicide occurred on or after January 1, 2005*.

This bill would authorize a county, when the victim of ~~the homicide was a state or local law enforcement officer~~ *a homicide that occurred on or after January 1, 2005, was a peace officer, as specified*, to apply to the Controller for ~~a complete~~ reimbursement of the costs incurred by the county, as specified. *This bill would also authorize a city in that county to apply to the Controller for reimbursement of investigative costs incurred by the city that are attributable to that trial, trials, or hearing.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 15202 of the Government Code is
2 amended to read:
3 15202. (a) Except as provided in subdivision (c), a county that
4 is responsible for the cost of a trial or trials or any hearing of a
5 person for the offense of homicide may apply to the Controller for
6 reimbursement of the costs incurred by the county in excess of the
7 amount of money derived by the county from a tax of 0.0125 of
8 1 percent of the full value of property assessed for purposes of
9 taxation within the county.
10 ~~(b) For purposes of subdivision (a), the formula in this~~
11 *(b) The formulas in this section shall apply to any homicide trial*
12 *in which the commission of the crime occurred on or after January*
13 *1, 2005. Homicide trials for which the crime was committed before*
14 *January 1, 2005, shall qualify under the reimbursement statute in*
15 *effect before that date.*
16 ~~(c) Notwithstanding subdivisions (a) and (b), a county that is~~
17 *(c) (1) Notwithstanding the cost threshold specified in*
18 *subdivision (a), a county that is responsible for the cost of a trial*
19 *or trials or any hearing of a person for the offense of homicide*
20 *may apply to the Controller for a complete reimbursement of the*
21 *costs incurred by the county if the victim of the homicide was a*
22 *state or local law enforcement officer. the victim of the homicide*
23 *was a peace officer who was killed while engaged in the course*
24 *of the performance of his or her official duties, or in retaliation*
25 *for the performance of his or her official duties, as defined in*
26 *paragraph (7) of subdivision (a) of Section 190.2 of the Penal*
27 *Code.*
28 *(2) In addition to any reimbursements to a county that are*
29 *authorized pursuant to this subdivision, a city located in a county*
30 *that is responsible for the cost of a trial or trials or any hearing*
31 *of a person for the offense of homicide may apply to the Controller*
32 *for reimbursement of investigative costs incurred by the city that*
33 *are attributable to that trial, trials, or hearing, if the victim of the*
34 *homicide was a peace officer who was killed while engaged in the*
35 *course of the performance of his or her official duties, or in*

1 *retaliation for the performance of his or her official duties, as*
2 *defined in paragraph (7) of subdivision (a) of Section 190.2 of the*
3 *Penal Code.*

4 (d) The Controller shall not reimburse any county *or city* for
5 costs that exceed the California Victim Compensation and
6 Government Claims Board's standards for travel and per diem
7 expenses. The Controller may reimburse extraordinary costs in
8 unusual cases if the county *or city* provides sufficient justification
9 of the need for these expenditures. Nothing in this section shall
10 permit the reimbursement of costs for travel in excess of 1,000
11 miles on any single round trip, without the prior approval of the
12 Attorney General.

13 (e) Reimbursement funds appropriated pursuant to this section
14 are available for three fiscal years from the date of the
15 appropriation. After three fiscal years, any unused funds shall
16 revert back to the General Fund.

17 *SEC. 2. Section 15203 of the Government Code is amended to*
18 *read:*

19 15203. If the county *or city* meets the conditions described in
20 Section 15202 and applies to the—State Controller for
21 reimbursement pursuant to that section, and the—State Controller
22 determines, *for purposes of a county reimbursement*, that the
23 reimbursement meets the provisions of Section 15201, the—State
24 Controller shall request the Director of Finance to include any
25 amounts necessary to fulfill the purposes of Section 15202 annually
26 in a request for deficiency appropriation in augmentation of the
27 emergency fund.